

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM L. BOBBERT,)	
)	
Plaintiff,)	Civil Action No. 15-105E
)	
v.)	Judge Cathy Bissoon
)	Magistrate Judge Lisa Pupo Lenihan
JEFFERY MCKAY, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On February 23, 2016, the Magistrate Judge issued a Report (Doc. 45) recommending that the Court grant the Motions to Dismiss filed by First National Bank (Doc. 31) and Kevin Noel, on behalf of Disabled American Veterans (Doc. 35). Service of the Report and Recommendation was made, and no objections have been filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

The Motions to Dismiss filed by First National Bank (**Doc. 31**) and Kevin Noel, on behalf of Disabled American Veterans (**Doc. 35**) are **GRANTED**.¹ The Magistrate Judge's

¹ Although the Report and Recommendation does not appear to suggest that Plaintiff's pleading-deficiencies are curable, Judge Lenihan acknowledged the Court's obligation, under appropriate circumstances, to allow an opportunity for amendment. *See id.* at 6 (recommending that, "to the extent Plaintiff determines that he can remedy [his pleading] deficiencies," the Court should set deadline for amendment). Plaintiff has not responded, by way of objection to the Report and Recommendation or by motion for leave to amend. Plaintiff's silence, coupled with the fact that he already once has amended his pleadings in response to these same Defendants'

Report and Recommendation (Doc. 45) hereby is adopted as the Opinion of the District Court,
as supplemented herein.

IT IS SO ORDERED.

March 21, 2016

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via First-Class U.S. Mail):

William L. Bobbert
LU7095
55 West Bottle Hill Road
Grove City, PA 16127

cc (via ECF email notification):

All Counsel of Record

arguments for dismissal (*see* Docs. 20, 26 & 29), lead the Court to conclude that the instant dismissal shall be with prejudice. *See Taylor v. Pilewski*, 2008 WL 4861446, *3 (W.D. Pa. Nov. 7, 2008) (“[the c]ourt need not provide endless opportunities” for amendment, especially where such opportunity already has been enjoyed).